

CALIFORNIA STATE PERSONNEL BOARD MEETING  
801 Capitol Mall  
Sacramento, California

Public Session Location - Room 150  
Closed Session Location - Room 141

FULL BOARD MEETING MINUTES

MARCH 9, 1999

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

BOARD MEMBERS PRESENT:

Florence Bos, President  
Richard Carpenter, Vice President  
Ron Alvarado, Member  
William Elkins, Member  
Lorrie I. Ward, Member

2. REPORT OF THE EXECUTIVE OFFICER - Walter Vaughn

The Board was advised of the following:

- A. A draft of the Joint Legislative Audit Committee report will be released today for comment and input.
- B. State Personnel Board staff will assist the Health and Human Services Agency conduct an examination for the Director of their data center.
- C. State Personnel Board staff met with Senator Baca to discuss his interest in veterans preference, outreach activities, training of new appointees and diversity.

3. REPORT OF THE CHIEF COUNSEL - Elise Rose

The Chief Counsel reported on:

Litigation

A. State Personnel Board v. Department of Personnel  
Administration -

On February 19, 1999, Judge Robie of the Sacramento Superior Court denied the Board's Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief in this matter. The action had challenged the constitutionality of a memoranda of understanding and implementing legislation which provides for private, binding arbitration of discipline taken against employees in Bargaining Unit 8 as violating the Board's constitutional authority to review disciplinary action. For minor actions, discipline would be grievable and arbitrable and the decisions of the arbitrator would be final and binding and not subject to review by the Board or the courts. For major actions, an employee would have a choice between private arbitration or the State Personnel Board, but the union would not represent or pay for representation of the employee who chose the State Personnel Board as the forum for his/her appeal.

The Court found only that the State Personnel Board has no standing to bring the action and concluded: "It should not entertain this dispute concerning the constitutionality of the provisions of AB 1291 and the MOU. If the issues were raised by a party with a beneficial interest and standing to raise the issues, such as an employee seeking to have State Personnel Board review of his or her discipline, the court might well conclude that the employee has a right to State Personnel Board review which is unconstitutionally curtailed by the statutes and MOU. However, in the absence of a challenge by such a party, the court will not entertain the State Personnel Board's challenge."

- B. Wilson v. State Personnel Board, et al. - The State Personnel Board received notice that petitioner Ward Connerly has filed a Notice of Appeal of the Superior Court's judgment in this case involving the constitutionality of various affirmative action statutes in light of Proposition 209. The State Personnel Board also received notice of Substitution of Attorneys substituting Pacific Legal Foundation out and Attorneys Boutris and Shuman in as representatives for Governor Davis. The Chief Counsel's Office has not received any Notice of Appeal filed by the Office of the Governor as of this date.
- C. Chavez v. State Personnel Board, Department of Corrections (CDC) - This is a case where the State Personnel Board upheld a demotion and took no active role in the trial court. The Board's decision was sustained. Chavez appealed and also filed a petition for writ of corem vobis in the appellate court contending that CDC wrongfully withheld a relevant document during the administrative hearing that he has now obtained and that is relevant to the determination of the action. The appellate court has requested that the State Personnel Board file a responsive pleading. The Chief Counsel's Office is in the process of preparing one.

Other

- A. The application period for the State Personnel Board, Staff Counsel position has closed and interviews have been completed.

4. REPORT ON LEGISLATION - Judy Balmain

The Board was advised of the following:

- A. The Legislative Office has completed the review of the introduced legislation. Over 3000 bills were introduced.
- B. Judy Balmain had an introductory meeting with Linda Adams, Deputy Legislative Secretary for the Governor and met Rick Simpson, Legislative Secretary.
- C. Judy Balmain and Walter Vaughn will be meeting with selected Unions on newly introduced legislation that impacts the operations of the Board.

The State Personnel Board voted on the following Legislative Bill:

- A. SB 44 (Polanco) Outreach and Recruitment  
Neutral Position

VOTE: Bos, Carpenter, Alvarado, Elkins, Ward - Aye

5. ORAL ARGUMENT

Oral argument in the matter of **JALAL EMAMI**, Case No. 98-2116. Appeal from constructive medical termination. Department of Water Resources.

Persons Participating:

Steven B. Bassoff, Labor Relations Counsel, Professional Engineers in California Government, representing appellant.  
Kathryn J. Harker, Staff Counsel, representing Department of Water Resources.

Steven R. Cohen, Assistant Chief Counsel, representing Department of Water Resources.

ACTION: Submitted

6. ORAL ARGUMENT

Oral argument in the matter of **RANDY L. MORENO**, Case No. 97-4017. Appeal from demotion. Department of Developmental Services.

Persons Participating:

Nancy Irving, Labor Relations Specialist, representing Department of Developmental Services.

ACTION: Submitted

7. Oral argument in the matter of **THOMAS MARSHALL**, Case No. 98-1336. Appeal from non-renewal of employment as Head Coach at California State Polytechnic University, Pomona.

Persons Participating:

Martin L. Burke, Attorney at Law, representing the appellant.  
Donna S. Selnick, University Counsel, representing California  
State University, Sacramento.

ACTION: Submitted

BOARD ACTIONS

8. STATE PERSONNEL BOARD SUMMARY MINUTES OF FEBRUARY 17, 1999

ACTION: Adopted on March 9, 1999.

VOTE: Bos, Carpenter, Elkins, Ward - Aye.

9. ACTION ON SUBMITTED ITEMS

ACTION: See pages 21-23.

10. ADMINISTRATIVE LAW JUDGE CASES

On March 9, 1999, the Board adopted the following decisions  
presented by Elise Rose, Chief Counsel, California State  
Personnel Board.

VOTE: Bos, Carpenter, Alvarado, Ward - Aye. Elkins  
abstained.

PROPOSED DECISIONS

BOBBIE J. LOWERY, JR., CASE NO. 98-4364

Appeal from dismissal

Department of Transportation

ACTION: Dismissal Sustained

JEFFREY MC KINSTRY, CASE NO. 98-0724

Appeal from dismissal

Department of the Youth Authority

ACTION: Dismissal Sustained

SHARON GUSS, CASE NO. 98-3992

Appeal from 2 step reduction in

Department of Corrections

ACTION: Board adopted findings of fact, but modified  
penalty from 2-step reduction in salary for 1 year to 1-step  
reduction in salary for 1 year.

GREGORY PAPPAS, CASE NO. 98-1361  
Appeal from dismissal  
Department of California Highway Patrol  
ACTION: Administrative Law Judge's proposed decision  
rejected by Board. Board to decide case itself.

DANNIE LEE, CASE NO. 98-1419  
Appeal from dismissal  
Department of Developmental Services  
ACTION: Dismissal Sustained

TIMOTHY WAYNE RENFRO, CASE NO. 98-3338  
Appeal from dismissal  
Department of Transportation  
ACTION: Dismissal Sustained

SKIPPER L. COMBS, CASE NO. 98-3749  
Appeal from dismissal  
Department of Mental Health  
ACTION: Dismissal Sustained

WINSTON C. NESBETH, CASE NO. 98-3748  
Appeal from rejection  
Department of Corrections  
ACTION: Rejection Affirmed and Appeal Denied

TERRY L. THOMAS, CASE NO. 98-2481  
Appeal from 5 percent reduction in  
Department to the Youth Authority  
ACTION: Reduction in Salary Sustained

THOMAS BLALOCK, CASE NO. 98-1039  
Appeal from dismissal  
Department of Parks and Recreation  
ACTION: Dismissal Sustained

KEITH BOARDEN, CASE NO. 97-5284  
Appeal from demotion  
Department of Corrections  
ACTION: Dismissal Sustained

ARTHUR R. HARDY, CASE NO. 98-2985  
Appeal from dismissal  
Department of Transportation  
ACTION: Dismissal Sustained

JAQUELINE HUTTON, CAE NO. 98-2661  
Appeal from dismissal  
Employment Development Department  
ACTION: Dismissal Sustained

CHRISTINA EVITT, CASE NO. 98-0379  
Appeal from dismissal  
Department of Veterans Affairs  
ACTION: Dismissal Modified to 60 Days Suspension

JOHN BLALOCK, CSE NO. 98-3177  
Appeal from 5 working days suspension  
Employment Development Department  
ACTION: Suspension Sustained

WILLIAM D. MOFFAT, CASE NO. 98-3465  
Appeal from 5 working days suspension  
Department of Parks and Recreation  
ACTION: Suspension Sustained

DAVID C. LAUCKS, CASE NO. 98-3577  
Appeal from 30 working days suspension  
Department of Corrections  
ACTION: Suspension Sustained  
MARY E. BYRNE, CASE NO. 98-4996  
Appeal from 5 percent reduction in  
Department of Forestry  
ACTION: Reduction in Salary Revoked

DANIEL D. COLLINS, CASE NO. 98-5003  
Appeal from 5 percent reduction in  
Department of Forestry and Fire Protection  
ACTION: Reduction in Salary Revoked

DAVID JOHNSON, CASE NO. 98-4077  
Appeal from 30 calendar days suspension  
Department of Mental Health  
ACTION: Suspension Sustained

PRISCILLA M. CHAVEZ, CASE NO. 99-0031  
Appeal from 5 working days suspension  
Department of Corrections  
ACTION: Suspension Sustained

MICHAEL J. MACKENZIE, CASE NO. 98-5239  
Appeal from 5 working days suspension  
Department of Corrections  
ACTION: Suspension Sustained

PETITIONS FOR REHEARING

LELA BABAUTA, CASE NO. 98-2259  
Appeal from 5 percent reduction in Salary for 3 pay periods  
Department of the Youth Authority  
Petition for rehearing filed by Appellant Denied

RICHARD DUNLOP, CASE NO. 98-2138  
Appeal from 10 working days suspension Officer  
Department of California Highway Patrol  
Petition for rehearing filed by Appellant Denied

ANGELA HAWKINS, case no. 98-2254  
Appeal from 20 working days suspension  
Employment Development Department  
Petition for rehearing filed by Appellant Denied

STEVEN PLESHA, CASE NO. 98-1694  
Appeal from official reprimand  
Department of Corrections  
Petition for rehearing filed by Appellant Denied

RAYMOND SMITH, CASE NO. 98-0803  
Appeal from dismissal  
Correctional Officer  
Petitions for rehearing filed by Respondent Denied

VALERIE GRISSOM, CASE NO. 98-0853  
Appeal from dismissal  
Correctional Sergeant  
Petitions for rehearing filed by Respondent Denied

CHESTER WILLIAMS, CASE NO. 98-0880  
Appeal from dismissal  
Department of Corrections  
Petitions for rehearing filed by Respondent Denied

11. RESOLUTION RE NOTICE OF GOVERNMENT CODE SECTION 18671.1  
EXTENSION.

ACTION: See pages 24-26.



12. MISCELLANEOUS APPEALS DIVISION CASES

(Discrimination Complaints, Withholds, Voided Appointments, Rule 211 Appeals, Petitions for Rehearing)

On March 9, 1999, the Board adopted the following decisions presented by Linda Brooks, Assistant Executive Officer, California State Personnel Board.

VOTE: Bos, Carpenter, Alvarado, Elkins, Ward - Aye.

A. RICHARD V. RICE, Case No. 98-4211

The appeal of Richard V. Rice from the action of the Department of Motor Vehicle to withhold his name from certification to the eligible list for Licensing-Registration Examiner.

ACTION: GRANTED - The appellant has demonstrated over a period exceeding seven years a pattern of behavior that shows he is a responsible and law abiding citizen. Additionally, the appellant has worked for the Department of Motor Vehicles for the last 17 months as a Motor Vehicle Field Representative, and his supervisor has attested to the appellant's exceptional work performance.

B. LOUIS A. CHAVEZ, Case No. 98-4190

The appeal of Richard V. Rice from the action of the Department of Motor Vehicle to withhold his name from certification to the eligible list for Licensing-Registration Examiner.

ACTION: GRANTED - The appellant has demonstrated over a period exceeding eight years a pattern of behavior that shows he is a responsible and law abiding citizen. Additionally, the appellant has worked for the Department of Motor Vehicles for the last 11 years. He is currently employed as a Motor Vehicle Field Representative. The appellant's office manager has attested that he is a very loyal, dependable and dedicated employee who has never shown any signs of dishonesty or other irresponsible behavior during the nine years she has worked with him.

C. KEVIN HACKL, Case No. 98-1028

The appeal of Kevin Hackl from the action of the California Highway Patrol to withhold his name from certification to the eligible list for Cadet.

ACTION: DENIED - Prior negative employment record.

- D. KEVIN HICKS, Case No. 98-3078  
The appeal of Kevin Hicks from the action of the Department of Corrections to withhold his name from certification to the eligible list for Correctional Officer.  
ACTION: DENIED - Convicted felon status prohibits employment.
- E. WILLIAM DAVIS, Case No. 97-4102  
The appeal of William Davis from the action of the Department of Corrections to withhold his name from certification to the eligible list for Correctional Officer.  
ACTION: DENIED - Prior arrest record.

WITHHOLD DENIAL CASES

- \* JORGE A. RIVAS, Case No. 98-4221  
Classification: Correctional Officer  
ACTION: DENIED - The appellant was recently arrested for driving under the influence of alcohol and is currently pursuing this matter in court.
- \* ARMANDO C. SOLORIO, Case No. 98-4222  
Classification: Correctional Officer  
ACTION: DENIED - In April 1995, the appellant was arrested and convicted of public intoxication and disturbing the peace.
- \* STEVE SHANNON, JR., Case No. 98-4228  
Classification: Correctional Officer  
ACTION: DENIED - On August 26, 1996, the appellant was placed on court-ordered probation for three years for failure to comply with his child support obligations. The appellant is in arrears in the amount of \$19,095.
- \* DODDIE J. SMITH, Case No. 98-4401  
Classification: Correctional Officer  
ACTION: DENIED - The appellant gave conflicting information during the employment selection process about her employment history and did not disclose that she was terminated from her job in May 1996, after receiving a written warning.
- \* LEONARDO D. CHINZI, Case No. 98-4403  
Classification: Cadet, California Highway Patrol  
ACTION: DENIED - In September 1997, an arrest warrant was issued because the appellant failed to appear on a

July 1997 citation. The appellant failed to disclose this warrant during the employment selection process.

- \* DECKAR M. ALEXANDER, Case No. 98-4402  
Classification: Correctional Officer  
ACTION: DENIED - The appellant's driver's license was suspended on February 28, 1998, for one month, and the appellant was convicted of disturbing the peace on March 12, 1997.
- \* GREGORY S. AKBAR, Case No. 98-4407  
Classification: Cadet, California Highway Patrol  
ACTION: DENIED - The appellant received five vehicle citations from September 1995 to July 1997. Additionally, the appellant has not filed for the proper permits and identification number to operate his business.
- \* VINCENT R. DOSTAL, Case No. 98-4409  
Classification: Correctional Officer  
ACTION: DENIED - Appellant was convicted of five driving violations from 1994 to 1997 and had been terminated from two jobs.
- \* DAVID W. ALLISON  
Classification: Cadet, California Highway Patrol  
ACTION: DENIED - The appellant failed to disclose to the Qualifications Appraisal Panel that his driver's license was on probation.
- \* ERNESTO SANCHEZ DEL REAL, Case No. 98-4675  
Classification: Correctional Officer  
ACTION: DENIED - The appellant was involved in a single vehicle accident with a blood alcohol level of 0.07% and he was under the age of 21.
- \* ANTHONY J. GASPARDI, Case No. 98-4566  
Classification: Cadet, California Highway Patrol  
ACTION: DENIED - Appellant failed to reveal to the Qualifications Appraisal Panel past drug usage, receipt of three reprimands and involvement in two traffic collisions.
- \* RODERICK N. PASCUA, Case No. 98-4433  
Classification: Cadet, California Highway Patrol  
ACTION: DENIED - The appellant used crack cocaine in June 1990 and under Rule 213.5 (c) requires disqualification from peace officer employment for 10 years.

- \* MICHELE SULLIVAN, Case No. 98-4912  
Classification: Cadet, California Highway Patrol  
ACTION: DENIED - Within the past two years the appellant left two jobs without notice; was involved in two domestic violence incidents; and resides with someone who uses illegal drugs.
- \* ANGEL J. TURNER, Case No. 98-4909  
Classification: Cadet, California Highway Patrol  
ACTION: DENIED - Within the past two years the appellant was involved in two incidents, including one of domestic violence.
- \* DINO S. LAROSA, Case No. 98-4452  
Classification: Correctional Officer  
ACTION: DENIED - Appellant failed to disclose on his Personal History Statement that he was terminated from a job and had received a written reprimand.
- \* RICHARD T. DAVEY, II, Case No. 98-4905  
Classification: Cadet, California Highway Patrol  
ACTION: DENIED - The appellant's child support payments are in arrears in excess of \$14,000 and he failed to file his federal and state income taxes for 1992 through 1995 in a timely manner.
- \* DAVID M. GRAHAM, Case No. 98-4902  
Classification: Correctional Officer  
ACTION: DENIED - The appellant failed to provide the required documents during the employment selection process.
- \* CURTIS LEROY JONES, JR., Case No. 98-4565  
Classification: Correctional Counselor I  
ACTION: DENIED - The appellant has a recent negative employment record in a position similar to the Correctional Counselor I.
- \* JOSEFINA GUEVARA, Case No. 98-4408  
Classification: Correctional Officer  
ACTION: DENIED - Appellant received five reprimands from one past employer; job performance as an intern was unsatisfactory with one employer; and high rate of absenteeism as a student intern at another employer.

- \* JILL T. PARKER, Case No. 98-4405  
Classification: Correctional Officer  
ACTION: DENIED - Appellant had a 14-year history of frequent and excessive drug use, from the age of 12 to age 26.
- \* JEANNINE SASO, Case No. 98-4569  
Classification: Youth Correctional Officer  
ACTION: DENIED - The appellant failed to submit required documents within 30 days.
- \* CHRISTINE A. MONROE, Case No. 98-4568  
Classification: Cadet, California Highway Patrol  
ACTION: DENIED - The appellant was over 18 years of age and Rule 213.5 (c) requires disqualification from peace officer employment for the illegal possession at 18 years of age or later any drug for which such possession could constitute a felony offense under the California Uniform Controlled Substances Act.
- \* RONNIE M. NOACK, Case No. 98-4673  
Classification: Correctional Officer  
ACTION: DENIED - The appellant omitted several negative law enforcement contacts including a burglary conviction.
- \* BRENDA DOMINGUEZ, Case No. 98-4677  
Classification: Correctional Officer  
ACTION: DENIED - The appellant omitted information about citations; did not comply with the court orders for a citation; and drove when her driver's license was suspended.
- \* ISAURO G. VILLARREAL, Case No. 98-4227  
Classification: Correctional Officer  
ACTION: DENIED - The appellant signed his application on April 7, 1998; however, his court-ordered probation did not end until April 14, 1998
- \* IGNACIO ARCE, Case No. 98-1889  
Classification: Cadet, California Highway Patrol  
ACTION: DENIED - During the pre-employment selection process the appellant failed to disclose that he filed a false stolen vehicle report in hopes that his insurance company would repair his vehicle.

- \* PATRICIA A. ETCHEVERRY, Case No. 98-3976  
Classification: Licensing-Registration Examiner  
ACTION: DENIED - The appellant was convicted of welfare fraud in 1990 and of receiving stolen property in 1992.
- \* PAUL A. RAMIREZ, Case No. 98-4052  
Classification: Cadet, California Highway Patrol  
ACTION: DENIED - The appellant failed to disclose to the Qualifications Appraisal Panel that he tried crystal methamphetamine in 1986.
- \* CYNTHIA H. SUAREZ, Case No. 98-4210  
Classification: Staff Service Analyst  
ACTION: DENIED - The appellant is unable to substantiate some of her experience claims.
- \* CLINTON D. CUSTAR, Case No. 98-3701  
Classification: Correctional Officer  
ACTION: DENIED - Appellant indicated he had registered for the Selective Service; the CDC investigation revealed he did not register.
- \* MACARIO P. GALLARDO, Case No. 98-3348  
Classification: Correctional Officer  
ACTION: DENIED - Appellant arrested for Driving Under the Influence after applying for Correctional Officer position; he was pending prosecution when withheld.
- \* VINCENT A. FARRINGTON, Case No. 984050  
Classification: Hospital Peace Officer I  
ACTION: DENIED - The appellant failed to disclose seven misdemeanor convictions on his Personal History Statement.
- \* MICHAEL M. MACHADO, Case No. 98-4054  
Classification: Correctional Officer  
ACTION: DENIED - Since April 1991, the appellant has been cited six times for the following offenses: speeding, no front license plate, mud flaps and allowing an open container.
- \* MARGARITA JAUREGUI, Case No. 98-4562  
Classification: Correctional Officer  
ACTION: DENIED - Appellant failed to indicate on her Personal History Statement that she received two written warnings and was given verbal warnings at a past job.

- \* MACK O. ABBOTT, Case No. 98-4678  
Classification: Correctional Officer  
ACTION: DENIED - The appellant failed to reveal on his Personal History Statement that he had been arrested and convicted of public intoxication on May 3, 1996, and that the State Board of Equalization had levied fines and penalties (\$12,869) against him for purchasing and using off-highway diesel fuel for personal use upon public highways without paying the required fuel taxes.
- \* LORETTA L. SCOTT, Case No. 98-4244  
Classification: Correctional Officer  
ACTION: DENIED - The appellant was terminated from her security officer position in August 1997, for refusing to follow instructions and to perform her assignment.
- \* LIBRADA A. LOOP, Case No. 98-4223  
Classification: Correctional Officer  
ACTION: DENIED - The appellant failed to disclose that she had been terminated from a past job.
- \* FRANCISCO RAMOS, JR., Case No. 98-3383  
Classification: Correctional Officer  
ACTION: DENIED - Appellant did not disclose a non-injury hit-and-run accident or lapse of insurance due to nonpayment.
- \* BOBBY R. NICHOLS, Case No. 98-3291  
Classification: Correctional Officer  
ACTION: DENIED - Appellant does not have a high school diploma, and his GED does not meet California's GED requirement.
- \* LEWIS FINLEY, Case No. 98-5176  
Classification: Medical Technical Assistant  
ACTION: DENIED - The appellant failed to disclose that there is an active warrant for his arrest in San Antonio, Texas.
- \* JORGE COVARRUBIAS, Case No. 98-4046  
Classification: Correctional Officer  
ACTION: DENIED - The appellant did not disclose that he had previously applied for employment with two other law enforcement agencies and was rejected.

- \* KERMIT D. STOKES  
Classification: Correctional Officer  
ACTION: DENIED - From June 1996 to August 1998, the appellant has had eight misdemeanor convictions: four for being an unlicensed driver and four from either failure to appear or failure to pay. Additionally, the appellant's driver's license was suspended three times from 1995 to April 1997.
- \* ANDRE J. ARREOLA, Case No. 98-4404  
Classification: Correctional Officer  
ACTION: DENIED - The appellant was questioned by law enforcement agencies in 1993 about a vandalism incident and in 1997 about an assault. Additionally, the appellant has received three citations from June 1996 to March 1998.
- \* LEWIS FINLEY, Case No. 98-4671  
Classification: Correctional Officer  
ACTION: DENIED - The appellant failed to disclose that there is an active warrant for his arrest in San Antonio, Texas.
- \* DENNIS E. HERNANDEZ, Case No. 98-3400  
Classification: Correctional Officer  
ACTION: DENIED - Appellant had his driver's license suspended and reinstated three times for no insurance, and is required to provide proof of insurance until March 2, 2000.
- \* RICHARD J. SMITH, Case No. 98-4680  
Classification: Licensing-Registration Examiner  
ACTION: DENIED - Convicted of raping a minor girl in 1994, on probation until May 1999; and dismissed from Fladeboe Motor Company in July 1997.
- \* STACY SHULMAN, Case No. 98-3347  
Classification: Correctional Officer  
ACTION: DENIED - Appellant terminated from several security officer and guard positions.
- \* JOHN P. NAGLE, Case No. 98-3399  
Classification: Correctional Officer  
ACTION: DENIED - Appellant failed to disclose on his Personal History Statement an arrest where he was found to be under the influence and in possession of drugs; admitted use of cocaine that had not been disclosed.



- \* MICHAEL J. PETRICH, Case No. 3401  
Classification: Cadet, California Highway Patrol  
ACTION: DENIED - Appellant failed to disclose several items on his Personal History Statement, including termination from a police agency for failure to pass background investigation, and separation from another police agency under unfavorable conditions.
- \* BARBARA L. WIBBERLEY, Case No. 98-3349  
Classification: Cadet, California Highway Patrol  
ACTION: DENIED - The appellant did not disclose four prior employers, and information provided regarding ever being fired or receiving a reprimand was different on the selection forms completed.
- \* GEMMA HOMSY, Case No. 98-4406  
Classification: Transportation Engineer  
ACTION: DENIED - The appellant misrepresented her qualifications when she took the examination and then submitted a falsified certificate.
- \* SALVADOR C. GOMEZ, Case No. 98-4229  
Classification: Correctional Officer  
ACTION: DENIED - Since 1993, the appellant has received seven motor vehicle citations and been involved in two accidents and consequently was placed on negligent operator status. Additionally, the appellant was terminated from his job in August 1998 after two suspensions and has two other less than favorable employment separations.

DISMISSED CASES

- \* CARL CANDLER, Case No. 98-3722  
Classification: License Registration Examiner  
ACTION: DISMISSED - Appellant did not confirm appearance for scheduled hearing.
- \* GRANT PARKER, Case No. 98-3436  
Classification: Correctional Officer  
ACTION: DISMISSED - Department withdrew action.
- \* BERLENA C. REYNOLDS, Case No. 98-4903  
Classification: Correctional Officer  
ACTION: DISMISSED - No timely response to SPB request for information.

13. MEDICAL APPEALS

On March 9, 1999, the Board adopted the following decisions presented by Linda Brooks, Assistant Executive Officer, California State Personnel Board.

VOTE: Bos, Carpenter, Alvarado, Elkins, Ward - Aye.

- A. MICHAEL COLLIER, Case No. 98-1919  
The appeal of Michael Collier from the Department of Mental Health medically disqualifying him from employment as a Psychiatric Technician Trainee.  
Issue: The appellant has a herniated disk in his back.  
ACTION: GRANTED - He is to be appointed to the testing process.

DISMISSAL CASE

- \* NANCY VALVERDE, Case No. 98-4079  
ACTION: DISMISSED - Appellant did not confirm appearance for scheduled hearing.

14. EXAMINATION APPEALS

On March 9, 1999, the Board adopted the following decision presented by Linda Brooks, Assistant Executive Officer, California State Personnel Board.

VOTE: Bos, Carpenter, Alvarado, Elkins, Ward - Aye.

DISMISSAL CASE

- \* MICHAEL E. ROBERTS, Case No. 98-4526  
ACTION: DISMISSED - Appellant did not confirm appearance for scheduled hearing.

15. MERIT ISSUE COMPLAINT APPEALS

On March 9, 1999, the Board adopted the following decisions presented by Linda Brooks, Assistant Executive Officer, California State Personnel Board.

VOTE: Bos, Carpenter, Alvarado, Elkins, Ward - Aye.

- A. CATHRYN DAVIS, Case No. 98-2578  
Issue: The appellant maintains that the recommendation adopted by the Board is clear and unequivocal and she is entitled to pay and benefits beginning the date the recommendation instructs the Department to appoint her.  
ACTION: RESCIND - The Department of Health Services is instructed to change the appellant's appointment date.

- B. RICHARD THRASHER, Case No. 98-2934

Issue: The appellant believes that he was inappropriately denied access to the interview process in the filling of two Senior Hydroelectric Plant Operators.

ACTION: DENY - The Board Rules 190-203 and 171 are not pertinent in this issue

16. NON-HEARING CALENDAR

On March 9, 1999, the Board adopted items A-C. These items were presented by Laura Aguilera, Chief, Personnel Resources and Innovation Division, California State Personnel Board.

VOTE: Bos, Carpenter, Alvarado, Elkins, Ward - Aye.

A. INVESTIGATIVE CERTIFIED PUBLIC ACCOUNTANT

The Department of Consumer Affairs proposes to revise the specification for the Investigative Certified Public Accountant class series.

B. LIGHT POWER SHOVEL OPERATOR

The Department of Transportation proposes the abolishment of the Light Power Shovel Operator classification.

C. ASSOCIATE ENGINEER, PETROLEUM STRUCTURES  
SENIOR ENGINEER, PETROLEUM STRUCTURES  
(SPECIALIST)  
SENIOR ENGINEER, PETROLEUM STRUCTURES  
(SUPERVISOR)

The State Lands Commission proposes establishment of the Associate Engineer, Petroleum Structures classification with a 12-month probationary period; and specification revision to the classes of Senior Engineer, Petroleum Structures (Specialist), and Senior Engineer, Petroleum Structures (Supervisor)

17. STAFF CALENDAR ITEMS FOR BOARD INFORMATION

Staff has approved the following actions:

A. CONSERVATION ADMINISTRATOR I, CALIFORNIA CONSERVATION CORPS(CCC)

CONSERVATION SUPERVISOR, CCC

The California Conservation Corps proposes revisions to the Minimum Qualifications for the Conservation Administrator I, CCC class to include experience as a Conservation Supervisor, CCC.

B. PSYCHIATRIC TECHNICIAN ASSISTANT

The Department of Developmental Services is proposing a specification revision to the Psychiatric Technician Assistant Class to add that the required certification must be obtained from the California Department of Health Services.

ACTION: Noted

18. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

A. CEA POSITION ACTIONS CURRENTLY UNDER CONSIDERATION

(1) ASSISTANT DEPUTY DIRECTOR, OFFICE OF SUPPORT SERVICES

The Department of Corrections proposes to allocate one position to the CEA category to perform the duties of the above position. The position will be responsible for the formulation and implementation of policies and programs relating to the multi-million dollar business and contract services, food services, and materials management program.

ACTION: Noted

A D J O U R N M E N T

SUBMITTED

1. PUBLIC HEARING TO RECEIVE ORAL AND WRITTEN INPUT ON REGULATIONS ON PERSONAL SERVICES CONTRACTS. (Hearing held September 1, 1998.)

ACTION: Adopted on January 5, 1999

VOTE: Bos, Carpenter, Alvarado, Ward - Aye

2. JUDY MCGUIRK, CASE NO. 97-4120. Appeal from dismissal. Department of Developmental Services. (Oral argument held October 6, 1998)

ACTION: On March 9, 1999, adopted Board decision revoking dismissal.

VOTE: Bos, Carpenter, Alvarado, Ward - Aye

3. DORIS JONES, CASE NO. 97-5107. Appeal from constructive medical termination. Department of Transportation. (Oral argument held November 5, 1998.)

NO ACTION

4. JESSE BROWN, CASE NO. 98-0384. Appeal from medical termination. Department of General Services. (Oral argument held November 5, 1998.)

ACTION: On March 9, 1999, Adopted Board decision, dismissing appeal.\*

VOTE: Bos, Carpenter, Alvarado, Ward - Aye

5. ROBERT DAVIS, CASE NO. 97-2572. Appeal from dismissal. Department of Corrections. (Oral argument held November 5, 1998.)

NO ACTION

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\* Adopted as Precedential Decision #99-02. [NOTE: Precedential Decisions of the State Personnel Board are published and available by subscription from Continuing Education of the Bar (CEB) in Berkeley. To subscribe, call CEB, toll free, at (800) 924-3924.]

6. LEANNE R. CALIGIURI, CASE NO. 98-1236. Appeal from dismissal. State Board of Equalization. (Oral argument held December 8, 1998.)

ACTION: On March 9, 1999, adopted Board decision, modifying dismissal to 1 year suspension, backpay and benefits.

VOTE: Bos, Carpenter, Alvarado, Ward - Aye

7. BARBARA J. RIESS, CASE NO. 98-1004. Appeal from rejection. Department of Corrections. (Oral argument held December 8, 1998.)

ACTION: On March 9, 1999, adopted Board decision, sustaining rejection. Name restored to employment list.

VOTE: Bos, Carpenter, Alvarado, Ward - Aye

8. SUSAN ALEXANDER, CASE NO. 97-0100. Appeal from constructive medical termination. Department of Fish and Game. (Oral argument held December 8, 1999.)

NO ACTION

9. LINDA J. GRIER, CASE NO. 97-3213. Appeal from medical demotion. Department of Health Services. (Oral argument held January 5, 1999.)

NO ACTION

10. CHRISTINE RUELAS, CASE NO. 36860. Appeal from medical termination. State Board of Control. (Written argument presented January 5, 1999.)

NO ACTION

11. CHARLES T. COOK, CASE NO. 97-4596. Appeal from dismissal. Employment Development Department. (Oral argument held January 5, 1999.)

ACTION: On March 9, 1999, adopted Board decision, sustaining dismissal, but Employment Development Department ordered to pay backpay and benefits for Skelly violation.\*

VOTE: Bos, Carpenter, Alvarado, Ward - Aye

12. JANET E. MOOREHEAD, CASE NO. 97-1989. Appeal from 60 calendar days' suspension. Department of Corrections. (Oral argument held January 5, 1999.)

NO ACTION

13. MICHAEL D. BUNNELL, CASE NO. 96-2675. Appeal for determination of back salary, benefits, and interest after reinstatement. Department of Corrections. (Oral argument held January 5, 1999.)

NO ACTION

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\* Adopted as Precedential Decision #99-03. [NOTE: Precedential Decisions of the State Personnel Board are published and available by subscription from Continuing Education of the Bar (CEB) in Berkeley. To subscribe, call CEB, toll free, at (800) 924-3924.]

**NOTICE OF GOVERNMENT CODE § 18671.1 RESOLUTION**

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional forty-five days, the Board hereby publishes its substantial reasons for the need for the forty-five day extension for some of the cases now pending before it for decision.

An additional forty-five days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than 6 months as of the date of the Board meeting.



**GOVERNMENT CODE § 18671.1 RESOLUTION**

**WHEREAS**, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

**WHEREAS**, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

**WHEREAS**, the Agenda for the instant Board meeting included an item titled "Notice of Government Code § 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

**WHEREAS**, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

\* \* \* \* \*

I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting on March 9, 1999.

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WALTER VAUGHN  
Executive Officer  
California State Personnel Board

VOTE: Bos, Carpenter, Alvarado, Elkins, Ward - Aye.

CORRECTIONS

The Precedential Decision number for GARCIA v State Personnel Board/California Youth Authority, in the February 2, 1999 Minutes should be (SPB Dec. No. 98-03).